

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE NISSAN RADIATOR/TRANSMISSION :  
COOLER LITIGATION :

10 CV 7493 (VB)

:  
: **NNA’S RESPONSE IN SUPPORT**  
: **OF PLAINTIFFS’ MOTION FOR**  
: **PRELIMINARY APPROVAL OF**  
: **SETTLEMENT**

:  
: **ELECTRONICALLY FILED**  
:  
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E. PAUL CAULEY, JR., an attorney duly admitted *pro hac vice* to practice law before the United States District Court for the Southern District of New York, hereby affirms the following to be true or, if stated upon information and belief, believes it to be true, under penalty of perjury:

1. I am a member of the law firm of Sedgwick LLP, attorneys for defendant, NISSAN NORTH AMERICA, INC. (NNA), I am familiar with the facts, pleadings and prior proceedings of this action by virtue of my review of the file maintained in this office for the defense of this action.

2. This Affirmation is respectfully submitted in response to Plaintiffs’ Motion for Preliminary Approval of Settlement (Dkt. #66).

3. Following review of Plaintiffs’ Motion for Preliminary Approval of Settlement (Dkt. #66) and supporting papers, NNA does not oppose the Motion and writes separately to provide its perspective on the claims and defenses and, in light of that, demonstrate that the proposed settlement provides significant consideration to the class, is fair and reasonable and deserves the approval of the Court and further incorporates the accompanying Memorandum of Law.

**WHEREFORE**, it is respectfully requested that this Honorable Court decide Plaintiffs' Motion in accordance with the above and grant Plaintiffs' Motion for Preliminary Approval of Settlement, along with such other, further and/or different relief, as this Honorable Court deems appropriate.

Dated: Dallas, Texas  
September 6, 2012

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I herby certify that on the 6th day of September 2012, I electronically filed the foregoing **DEFENDANT NISSAN NORTH AMERICA, INC.'S RESPONSE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT** with the U.S. District Court. Notice will automatically be electronically mailed to the following individuals who are registered with the U.S. District Court CM/ECF System:

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E. Paul Cauley, Jr.